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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/844,570	04/26/2001	Yevgeniy Eugene Shteyn	US018052	1793

7590

08/13/2004

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EXAMINER

CHANKONG, DOHM

ART UNIT	PAPER NUMBER
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2152

DATE MAILED: 08/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/844,570	SHTEYN, YEVGENIY EUGENE	
	Examiner	Art Unit	
	Dohm Chankong	2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 November 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>4,4/2001,6,11/2002</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. Claims 1-8 are presented for examination.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-3 and 5-8 are rejected under 35 U.S.C 102(e) as being unpatentable over Meadway et al, U.S Patent No. 6,675,205 ['Meadway'].

4. As to claim 1, Meadway discloses a method of enabling multiple end-users to receive content information, the method comprising:

supplying the content information to a hub [abstract and column 1 <lines 46-52>]; and

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using a peer-to-peer network of respective devices residing at respective ones of the end-users and connected to the hub for distributed storage of the content information on the network under control of the hub [column 1 <line 66> to column 2 <line 17>].

5. As to claim 2, Meadway discloses the method of claim 1, comprising remotely controlling a specific one of the devices for supplying the stored content information to at least one of the devices [column 1 <lines 46-52>].

6. As to claim 3, Meadway discloses the method of claim 1, comprising a service for supplying an electronic content guide representing the content information available on the network [column 16 <lines 33-40> where: the home page is equivalent in functionality to an electronic content guide].

7. As to claim 5, Meadway discloses the method of claim 1, comprising controlling the devices [column 1 <lines 46-52> where: the peer systems are equivalent to the devices].

8. As to claim 6, Meadway discloses the method of claim 1, comprising providing a UI to the end-users for selecting from the content information [column 16 <lines 33-40>].

9. As to claim 7, Meadway discloses a device for use in a method of enabling multiple end-users to receive content information, wherein:

the method comprises:

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supplying the content information to a hub [abstract and column 1 <lines 46-52>]; and

using a peer-to-peer network of devices residing at respective ones of the end-users and connected to the hub for distributed storage of the content information on the network under control of the hub [column 1 <line 66> to column 2 <line 17>]; and the device comprises:

storage for storing at least part of the content information [column 17 <lines 21-23> where: the remote location (including the agent located at the remote location) are equivalent to the claimed device]; and

a controller for providing, to a party different from any from the end-users, remote control of the device for supplying stored content information to the network [column 1 <lines 46-52> where: the agent is equivalent to a controller, the different party is the service or central site].

10. As to claim 8, Meadway discloses a consumer electronics device comprising a storage for storing content information from a network and for supplying the content information to the network, and comprising a control module for remote control of the storing and supplying [column 2 <lines 9-12 and 38-44> and column 17 <lines 21-23>].

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claim 4 is rejected under 35 U.S.C 103(a) as being unpatentable over Meadway, in view of Iwata, U.S Patent No. 6,385,201.

12. Meadway does disclose the use of multiple peer networks [column 1 <lines 13-14>] but does not specifically disclose the method using a plurality of hubs, each respective one thereof connected to a respective one of a number of peer-to-peer networks.

13. Iwata teaches a method using a plurality of hubs, each respective one thereof connected to a respective one of a number of peer-to-peer networks [Figure 13 and column 1 <line 64> to column 2 <line 13> where: the peer group leader node is equivalent to a hub]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have implemented Iwata's system of peer groups into Meadway's peer-to-peer file sharing system to more accurately synchronize parameters and information between Meadway's multiple peer networks as well as establish more efficient routing methods between peer networks [column 2 <lines 41-52>].

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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The following art is cited to further show the state of the art in regards to peer networks and file distribution:

U.S Patent No. 6,374,289 to Delany et al;

U.S Patent No. 6,633,901 to Zuili

U.S Patent Pub. No. 2002/0154892 A1 to Hoshen et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dohm Chankong whose telephone number is (703)305-8864. The examiner can normally be reached on 8:00AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (703)305-8498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DC



JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100